

46149-2

03-05-2009

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Ms. Lee Anne Merrill
President
M & R Durango, Incorporated
P.O. Box 886
Bayfield, CO 81122-0886

MAR 05 2009

Re: M & R Durango, Incorporated; NOLO Bait™
EPA Registration No. 46149-2
Agency-initiated amendments to update label and confidential statement of formula (CSF) in association with registration review of the active ingredient, *Nosema locustae*

Dear Ms. Merrill:

The amendments referred to above, submitted in connection with registration under FIFRA section 3(c)(5), are acceptable provided that you:

1. Submit and/or cite all data required for registration of your product under FIFRA section 3(c)(5) when the Agency requires all registrants of similar products to submit such data.
2. Submit two (2) copies of your final printed labeling before you release the product for shipment. Refer to the A-79 enclosure for a further description of a final printed label.

Additionally, the new CSF dated February 3, 2009 supersedes the previous CSF dated June 5, 1981 and will be filed in the Agency's records as the official CSF.

Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions. If you have any questions contact Jeannine Kausch at 703-347-8920 or by email at kausch.jeannine@epa.gov.

A stamped copy of the label and CSF is enclosed for your records.

Sincerely,

Sheryl K. Reilly, Ph.D., Chief
Microbial Pesticides Branch
Biopesticides and Pollution
Prevention Division (7511P)

Enclosures(3):
-Accepted Label, Accepted CSF, A-79 Enclosure

CONCURRENCES							
SYMBOL	7511P	7511P					
SURNAME	KAUSCH	Reilly					
DATE	03/03/2009	3/5/09					

NOLO BAIT™ BIOLOGICAL INSECTICIDE

MASTER LABEL

Sub-label A: Agricultural Use

Sub-label B: Residential Use

Active Ingredient:

<i>Nosema locustae</i> Canning*	0.05%
Other ingredients	99.95%
Total	100.00%

* Contains at least one billion viable spores per pound (454 grams)

EPA Registration No. 46149-2

EPA Est. No. 46149-CO-001

M & R Durango, Inc.
6565 Hwy. 172
Ignacio, CO 81137
(970) 259-3521

ACCEPTED

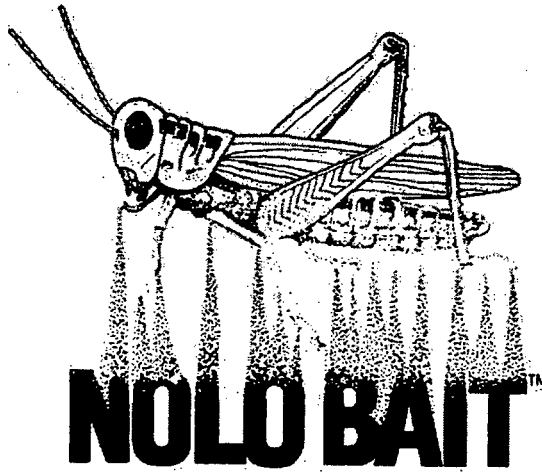
MAR 05 2009

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for
the pesticide registered under
EPA Reg. No. 46149-2

NOLO BAIT™

SUB-LABEL A
FOR AGRICULTURAL USE

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 FOR ORGANIC PRODUCTION

NOLO BAIT™
BIOLOGICAL INSECTICIDE

Nosema locustae
Biological Insecticide

For use in suppressing grasshoppers and Mormon Crickets

Active Ingredient: *Nosema locustae* Canning*0.05%
Other Ingredients:.....99.95%
Total:.....100.00%

*Contains at least one billion viable spores per 454 grams (1.0 pound)

KEEP OUT OF REACH OF CHILDREN

SEE FIRST AID AND PRECAUTIONARY STATEMENTS ON SIDE PANEL

Net contents: _____ Date Formulated: _____ Lot# _____

EPA Registration #46149-2 – EPA Establishment #46149-CO-001

Manufactured in the USA by:
M&R Durango, Inc.
6565 Hwy. 172, Ignacio, CO 81137
Tel: 970-259-3521

PRECAUTIONARY STATEMENTS

FIRST AID

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-222-1222 for emergency medical treatment information.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

Mixers/loaders and applicators must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95 or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitization.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables are provided, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Controls

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

IMPORTANT: When reduced PPE is worn because a closed system is being used, handlers must be provided all PPE specified above for "applicators and other handlers" and have such PPE immediately available for use in an emergency, such as a spill or equipment breakdown.

USER SAFETY RECOMMENDATIONS

Users should:

- ◆ Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- ◆ Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- ◆ Remove PPE immediately after handling this product. Wash the outside of the gloves before removing them. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment wash waters or rinsate.

DIRECTIONS FOR USE

Read all directions before using

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the State or Tribal agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This standard contains requirements for the protection of agricultural workers on farms, forest, nurseries and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about the personal protective equipment (PPE) and restricted-entry interval. The requirements in this box apply only to uses of this product that are covered by the Worker Protection Standard.

No restricted-entry interval is required for this product.

General Information

NOLO BAIT™ is for use in suppressing grasshoppers and Mormon Crickets. It contains a microsporidial pathogen of grasshoppers. NOLO BAIT™ infects the fat bodies of most species of grasshoppers and some crickets. Infection and sickness to the grasshoppers from the insect pathogen begins upon ingestion of the bait by the grasshopper. Grasshopper death will begin in 3-6 weeks. The insect pathogen multiplies in infected grasshoppers and will pass from grasshopper to grasshopper and can remain active for several years.

Use Restrictions

Chemigation: Do not apply this product through any type of irrigation system.

Application Procedures: Do not apply product in a manner that would allow it to come into contact with any food commodities. Strictly follow the Application Instructions.

Application Instructions

Use NOLO BAIT™ when densities reach eight (8) or more grasshoppers per square yard. Grasshoppers are most effectively suppressed when they are young. For best results, apply NOLO BAIT™ when grasshoppers are ½ to ¾ inch long.

Rangeland

Apply NOLO BAIT™ to rangeland at a minimum rate of 1.0 pound per acre. Apply by hand, seed spreader, turbine spreader or airplane. Concentrate the application in areas of heaviest grasshopper infestation. Where a quick knockdown of high populations is needed, mix NOLO BAIT™ with other insecticide baits for grasshopper control.

Cropland

Apply NOLO BAIT™ to cropland at a minimum rate of 1.0 pound per acre by hand, seed spreader, turbine spreader or airplane ONLY in accordance with any of the following good agricultural practices:

- Applications to fields when no above-ground harvestable food commodities are present (usually pre-bloom).
- Applications that are soil-directed around and adjacent to all plants.
- Applications to fields that occur after the harvested crop has been removed.

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Concentrate the application in areas of heaviest grasshopper infestation. Where a quick knockdown of high populations is needed, mix NOLO BAIT™ with other insecticide baits for grasshopper control.

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage

Store in original container, in a cool, dry location. Optimum storage temperature is 42° F. For best results, use before (13 weeks after formulation).

Pesticide Disposal

To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

Container Handling

Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment then offer for recycling if available, or dispose of empty bag in a sanitary landfill or by incineration. Do not burn, unless allowed by state and local ordinances.

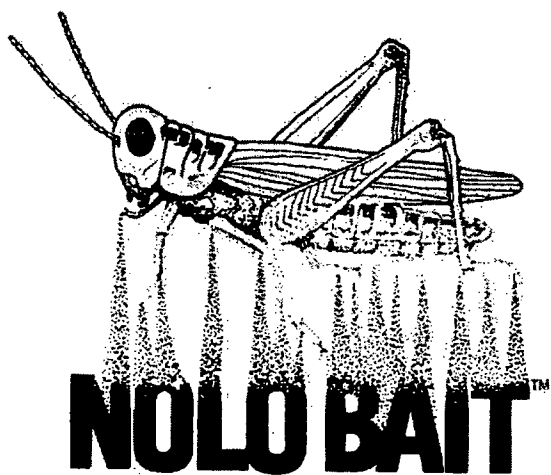
WARRANTY

The seller warrants only that the goods shall arrive viable. This warranty is expressly made in lieu of all warranties, express or implied, including the warranties of merchantability and fitness for use. In the event of a breach of the warranty stated herein, buyer shall have as a sole remedy a replacement of the goods sold upon giving proper notice to Seller. To the extent permitted by applicable law, no claim shall be made for damages, nor may any recovery be had for incidental or consequential damages.

NOLO BAIT™

SUB-LABEL B
FOR RESIDENTIAL USE

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 FOR ORGANIC PRODUCTION

NOLO BAIT™
BIOLOGICAL INSECTICIDE

Nosema locustae
Biological Insecticide

For use in suppressing grasshoppers and Mormon Crickets

Active Ingredient:	<i>Nosema locustae</i> Canning*	0.05%
Other Ingredients:		99.95%
Total:		100.00%

*Contains at least one billion viable spores per 454 grams (1.0 pound)

KEEP OUT OF REACH OF CHILDREN

SEE FIRST AID AND PRECAUTIONARY STATEMENTS ON SIDE PANEL

Net contents: _____ Date Formulated: _____ Lot# _____

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Manufactured in the USA by:
M&R Durango, Inc.
6565 Hwy. 172, Ignacio, CO 81137
Tel: 970-259-3521

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PRECAUTIONARY STATEMENTS

FIRST AID

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-222-1222 for emergency medical treatment information.

Personal Protective Equipment (PPE)

As a general precaution, when exposed to high concentrations of a living microbial product such as this, wear a dust particle mask when applying this product.

Environmental Hazards

Do not apply directly to water. Do not contaminate water when cleaning equipment or disposing of equipment wash waters or rinsate.

DIRECTIONS FOR USE

Read all directions before using

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For use on plants grown for other than commercial or research purposes, which may include home fruit and vegetable gardens.

General Information

NOLO BAIT™ is for use in suppressing grasshoppers and Mormon Crickets. It contains a microsporidial pathogen of grasshoppers. NOLO BAIT™ infects the fat bodies of most species of grasshoppers and some crickets. Infection and sickness to the grasshoppers from the insect pathogen begins upon ingestion of the bait by the grasshopper. Grasshopper death will begin in 3-6 weeks. The insect pathogen multiplies in infected grasshoppers and will pass from grasshopper to grasshopper and can remain active for several years.

Use Restriction

Application Procedures: Do not apply product in a manner that would allow it to come into contact with any fruit or vegetables. Strictly follow the Application Instructions outlined below.

Application Instructions

Use NOLO BAIT™ when densities reach eight (8) or more grasshoppers per square yard. Grasshoppers are most effectively suppressed when they are young. For best results, apply NOLO BAIT™ when grasshoppers are ½ to ¾ inch long.

Home and Garden

Apply NOLO BAIT™ to lawn at a minimum rate of five (5) teaspoons per 100 square feet by hand, shaker can or spreader.

Apply NOLO BAIT™ to garden at a minimum rate of five (5) teaspoons per 100 square feet only by any of the following methods:

- Soil-directed applications by hand, shaker can or spreader around and adjacent to all plants.
- Hand, shaker can or spreader applications to garden when no above-ground fruit or vegetables are present (usually prebloom).
- Hand, shaker can or spreader applications to garden after fruit or vegetables have been removed.

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Apply bait around perimeter of garden areas as a buffer against migrating grasshoppers.

Storage and Disposal

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE

Store in original container, in a cool, dry location. Optimum storage temperature is 42° F. For best results, use before (13 weeks after formulation).

PESTICIDE DISPOSAL AND CONTAINER HANDLING

Nonrefillable container. Do not reuse or refill this container.

If empty:

Place in trash or offer for recycling, if available.

If partly filled:

Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

WARRANTY

The seller warrants only that the goods shall arrive viable. This warranty is expressly made in lieu of all warranties, express or implied, including the warranties of merchantability and fitness for use. In the event of a breach of the warranty stated herein, buyer shall have as a sole remedy a replacement of the goods sold upon giving proper notice to Seller. To the extent permitted by applicable law, no claim shall be made for damages, nor may any recovery be had for incidental or consequential damages.